

Callaway Golf Company
v.
Acushnet Company
Civil Action No. 06-91-SLR

VOIR DIRE TO JURY PANEL

Good morning, ladies and gentlemen. I am Judge Robinson, and I will be presiding over the trial for which a jury is about to be drawn in the case captioned **Callaway Golf Company v. Acushnet Company**. Briefly stated, this is a patent action arising under the patent laws of the United States involving golf ball patents.

The trial may last up to 5 days. I time my trials, so the attorneys have to complete their trial presentations within these limits. However, jury deliberations may require you to be present longer than the scheduled 5 days. Our trial days will run approximately from 9:30 a.m. to 4:30 p.m.

In light of this brief summary, I will ask you certain questions, the purpose of which is to: (1) enable the court to determine whether or not any prospective juror should be excused for cause; and (2) enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel. If any of you answer any question "yes," please stand up and, upon being recognized by the court, state your juror number. When I have concluded asking all the questions, we will call you to the bench individually to speak with you about your affirmative response or responses.

HAVE CLERK ADMINISTER THE OATH TO THE PANEL

1. You have been given a list of companies and organizations.

(a) Have you or a member of your immediate family ever worked for any of these companies or organizations?

(b) Do you or a member of your immediate family now own, or have you or any such member ever owned, any stocks or bonds in any of those companies or organizations?

(c) Have you or a member of your immediate family had any dealings with, or relied financially in any way on, any of the companies or organizations?

(d) Have you or a member of your immediate family had any experience with the products of any of those companies or otherwise have any strong feelings, positive or negative, toward any of these companies or organizations?

2. You have been given a list of the attorneys and law firms involved in this litigation. Are you related to, or personally acquainted with, any of those attorneys, or have you ever been represented by any of those attorneys or other associates or members of the listed law firms?

3. You have been given a list of the individuals who might appear as witnesses in this case. Are you related to, or personally acquainted with, any of those individuals?

4. Do you have any personal knowledge of this case, or have you read or heard it discussed, or have an opinion regarding it?

5. Have you ever been a plaintiff, a defendant, or a witness in a civil lawsuit?

6. Have you ever served as a juror in a civil lawsuit?

7. You have been given a list of subject areas. Have you ever been educated, employed, trained, or had any experience in any of the following limited

areas?

8. Do you have any knowledge about or experience with patents, including applying for a patent?

9. Have you ever worked for a company that had patented products or processes?

10. Have you ever been involved in the development of a new product or process?

11. Have you or a member of your immediate family ever had any dealings with the United States Patent and Trademark Office?

12. Do you have any strong opinions about a patent granting exclusive rights to the inventors or their employer?

13. Do you believe it would be wrong for someone to profit from his invention or discovery?

14. Have you or a member of your immediate family ever worked for a golf equipment manufacturer, or been employed in the golf industry, such as golf courses or retail stores selling golf equipment?

15. Have you ever used products relating to the sport of golf that you know to be made by Callaway Golf Company or Acushnet Company, including, but not limited to, golf products sold under the brand names Titleist, Cobra, FootJoy, Callaway, Top-Flite, Spalding, CTU 30, Ben Hogan, Strata, Tour Ace or Pro V1?

16. Do you work for, or belong to, the U.S. Golf Association (called the "USGA")?

17. Do you have any special disability or problem that would make it difficult

or impossible for you to serve as a member of the jury in this case?

18. Do you know of any other matter which you believe should be called to the court's attention as having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

COMPANIES

Callaway Golf Company
Acushnet Company
Spalding Sports Worldwide, Inc.
Top-Flite Golf Company
Fortune Brands, Inc.

ATTORNEYS

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WITNESSES

Peter Arturi
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Herbert Boehm
Mary Louise Bohn
David Bulpett
William Burke
Michael Catania
Christopher Cavallaro
Marlo Cormier
Jeffrey L. Dalton
James Galipeau
Edmund Hebert
Thomas Kennedy
William Kerr
Steve McCracken
Phil Mickelson
William Morgan
Brian Napper
Joseph Nauman
Dennis Nesbitt
Steve Ogg
James Proudfit
Michael Rider
William Risen
George Sine
Robert Statz
Michael Sullivan
Scott White
ShenShen Wu
Michael Yagley

SUBJECT AREAS

Golf ball design or manufacturing
Chemical engineering
Polyurethanes
Ionomers
Mechanical engineering